

Corporation of the Municipality of Clarington

By-law Number 2024-XXX_____

being a By-law to amend By-law 84-63 and By-law 2005-109.

Whereas the Council of the Corporation of the Municipality of Clarington deems it advisable to amend By-law 84-63 and By-law 2005-109 for ZBA2024-00XX.

Now Therefore Be It Resolved That, the Council of the Corporation of the Municipality of Clarington enacts as follows (*note: **Bold** text represents an addition to the text and text with a ~~strike through~~ represents deleted text):

1. By-law 84-63 is amended as set out in Sections 3 through 4 of this By-law.
2. By-law 2005-109 is amended as set out in Section 5 of this By-law.
3. By deleting Section 3.2 and replacing it as follows:

“3.2 Additional Dwelling Units

- a. **One *additional dwelling unit* is permitted within any legally permitted *single detached, semi-detached or townhouse dwelling*, and one *additional dwelling unit* is permitted in an *accessory building* that is secondary to the principal residential building, for a maximum total of three dwelling units on a lot.**
- b. **Notwithstanding Section 3.2 a., two *additional dwelling units* is permitted within any legally permitted *single detached, semi-detached or townhouse dwelling*, or one *additional dwelling unit* is permitted within any legally permitted *single detached, semi-detached or townhouse dwelling* and one *additional dwelling unit* is permitted in an *accessory building* on the same lot, located within Urban Residential (R1, R2, R3) Zones or Mixed Use Zones inclusive of all exception zones that permits a principal residential building that is connected to full municipal services, for a maximum total of three dwelling units on a lot.**

- c. Notwithstanding Section 3.2 a., two *additional dwelling units* is permitted within any legally permitted single detached dwellings, or one *additional dwelling unit* is permitted within any legally permitted single detached dwellings and one *additional dwelling unit* is permitted in an accessory building on the same lot, located within Urban Residential (R1, R2) Zones, Residential Hamlet (RH) Zone, Agriculture (A) Zone, or Agricultural Exception (A-1) Zone that is partially connected to municipal services within Courtice, Bowmanville, Newcastle, Orono or Newtonville settlement boundaries, for a maximum total of three dwelling units on a lot. This is inclusive of all exception zones in the Urban Residential (R1, R2) Zones and Residential Hamlet (RH) Zone in the mentioned settlement boundaries that permit a single detached dwelling. This is subject to obtaining the applicable servicing permits and permissions from the Regional Municipality of Durham.
- d. Notwithstanding Section 3.2 a., *additional dwelling units* are not permitted within the Environmental Protection Zone. Moreover, *additional dwelling units* shall not be permitted where residential uses are prohibited, as determined by the Conservation Authority. This can include areas subject to hazards such as where safe access to the *additional dwelling unit* would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards, and/or dynamic beach hazards.
- e. Notwithstanding Section 3.2 a., *additional dwelling units* are only permitted within single detached dwellings or accessory buildings that existed on (or where building permits were issued prior to) July 1, 2017 for lands within the Protected Countryside within the Greenbelt Plan. ***Additional dwelling units is not permitted within farm buildings.***
- f. Within *Urban Residential Zones* and *Mixed Use Zones*, entrances for an *additional dwelling unit* within the principal residential *building* may be through a common door in the front building façade. Additional, separate entrances for either the *additional dwelling unit* or the principal *dwelling* must be accessed via the rear or side yard.
- g. Where an *additional dwelling unit* is located within an *accessory building*:
- i) Notwithstanding Section 3.1 c., the *accessory building* must:
 - a) Conform to the zone's *front yard* and *exterior side yard* setback requirements for residential uses;
 - b) Have a minimum *rear yard* and *interior side yard* setback of 1.8 metres;
 - c) Not exceed, whichever is less:
 - i) *lot coverage* of 10% for the *additional dwelling unit*, or
 - ii) the zone regulation's *lot coverage* maximum; and

d) Have a maximum *height* of 6.5 metres within *Agricultural and Rural Residential Zones*, and 5.25 metres within *Urban Residential Zones*.

h. ***Additional dwelling units*** constructed after 1994, is automatically registered with a building permit that has granted building occupancy. Any ***additional dwelling units*** constructed before 1994, requires a fire inspection to be completed to ensure compliance with the Ontario Fire Code, and to be registered as a legal ***additional dwelling unit***.

i. A *home occupation* is permitted within an *additional dwelling unit*, subject to Section 3.11B.

j. An accessory building containing an ***additional dwelling unit*** may not be severed from the lot accommodating the principal residential building. In no case shall an ***additional dwelling unit*** be considered a residence surplus to a ***farm operation***.”

4. The Parking Space Requirement Table within Section 3.16 of By-law 84-63 is amended as follows:

Parking Space Requirement Table	
Type or nature of use	Minimum off street parking requirement
(v) a) <i>Additional dwelling unit</i> or Garden Suite	1 parking space for each <i>additional dwelling unit</i> or <i>garden suite</i> . 1 parking space per dwelling unit for townhouse dwellings only

5. By deleting Section 5.7.3 of By-law 2005-109 and replacing it as follows:

“5.7 Additional Dwelling Units

5.7.3 *Additional dwelling units* constructed after 1994, is automatically registered with a building permit that has granted building occupancy. Any ***additional dwelling units*** constructed before 1994 requires a fire inspection to be completed to ensure compliance with the Ontario Fire Code, and to be registered as a legal ***additional dwelling unit***.”

6. This By-law shall come into effect on the date of the passing hereof, subject to the provisions of *Section 34* and *Section 24.2* of the Planning Act.

By-Law passed in open session this ____ day of _____, 20__

Adrian Foster, Mayor

June Gallagher, Municipal Clerk

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